

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

GARY FOLLER MINTON,

Plaintiff,  
vs.

Case No. 3:15-cv-366

COMMISSIONER OF  
SOCIAL SECURITY,

District Judge Thomas M. Rose  
Magistrate Judge Michael J. Newman

Defendant.

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**ORDER: (1) VACATING THE ORDER TO SHOW CAUSE (DOC. 8); AND (2)  
GRANTING *PRO SE* PLAINTIFF UNTIL APRIL 1, 2016 TO RESPOND TO THE  
COMMISSIONER'S MOTION TO DISMISS**

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The Commissioner filed a motion to dismiss *pro se* Plaintiff's complaint on January 19, 2016. Doc. 7. Plaintiff did not file a memorandum in opposition to the Commissioner's motion on or before the February 12, 2016 deadline. Therefore, on February 18, 2016, the undersigned Ordered Plaintiff to show cause as to why his complaint should not be dismissed for the reasons set forth in the Commissioner's motion. Doc. 8. The Court directed the Clerk to send the Show Cause Order to Plaintiff at the following address: 4100 W. 3rd Street, Building H12 - Room 13, Dayton, Ohio 45428; *i.e.*, the address listed on the docket and the address at which the Commissioner served Plaintiff with her motion to dismiss. *Id.*; doc. 7 at PageID 92.

On March 4, 2016, the Show Cause Order was returned as undeliverable. Doc. 9. A review of Plaintiff's complaint reveals that his address may have been incorrectly docketed by the Clerk. *See* doc. 2 at PageID 57 (wherein Plaintiff stated that his address is "4100 West Third Street, Bld. 412, Rm#13, Dayton, Ohio 45428"); *see also* doc. 1 at PageID 3. It thus appears that Plaintiff never received either the Commissioner's motion to dismiss or the Court's Show Cause

Order. Accordingly, the Court **VACATES** the Order to Show Cause (doc. 8) and *sua sponte* **GRANTS** Plaintiff until **April 1, 2016** to respond to the Commissioner's motion to dismiss. The Clerk is Ordered to correct Plaintiff's address on the docket, and send this Order -- as well as the motion to dismiss (doc. 7) and Order to Show Cause (doc. 8) -- to Plaintiff at the following address:

Gary Foller Minton  
4100 W. 3rd Street  
Building 412 - Room 13  
Dayton, Ohio 45428

*Pro se* Plaintiff's failure to respond may result in the Court deeming the Commissioner's motion to dismiss unopposed.

**IT IS SO ORDERED.**

Date: March 15, 2016

*s/ Michael J. Newman*  
Michael J. Newman  
United States Magistrate Judge